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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,840	12/12/2005	Joerg Moisel	3926.188	5023
30448 7590 05/20/2008 AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188				
EXAMINER				
TRUONG, BAO Q				
ART UNIT		PAPER NUMBER		
2875				
MAIL DATE		DELIVERY MODE		
05/20/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/539,840

**Applicant(s)**

MOISEL, JOERG

**Examiner**

BAO Q. TRUONG

**Art Unit**

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Appeal Brief filed 2/29/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18 and 21-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18 and 21-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. In view of the Appeal Brief filed on 2/29/2008, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matters below must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The "a carrier" in line 2, the "at least one area with non-functional or missing LEDs" in lines 6-7, and the "vertical angle of beam spread  $\phi$  of the headlight is less than  $5^\circ$  and the horizontal angle of beam spread  $\phi$  of the vehicle headlight lies in the range of less than  $20^\circ$ " of claim 18;

The "an optically transparent material is cast into the LED-module" of claim 21;

The "hard wired together" or "hard circuit" of claim 22;

The "LED-module in a hexagonal, quadratic or square pattern" of claim 23;

The "a part of the LED-chip is provided with only IR emitting and another part with visible light emitting LEDs" of claim 26;

The "these IR and visible LEDs are arranged alternating in the asymmetric ray" of claim 27;

The "a part of the LED-chip emits only IR radiation and another part only visible light, and the one part is separated from the other part in an asymmetric array" of claim 28;

The "multiple LED-modules, which are arranged in one plane" of claim 29;

The "the LED-modules contact each other" of claim 30;

The "the LED-modules are releasably connected with each other" of claim 31;

The "a common carrier" of claim 32 and claim 36;

The "a common supplemental optical element" of claim 37.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The abstract of the disclosure is objected to because "comprising" in line 2 should be changed to --having/including--. Correction is required. See MPEP § 608.01(b).

***Claim Objections***

5. Claims 24 and 33-37 are objected to because of the following informalities:  
Claim 24, there is lack of antecedent basis for "the vehicle headlight beam" in line 3.
3. Claims 33, 34, 35, 36 and 37, there is lack of antecedent basis for "multiple LED-modules" in line 1.
- Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 18 and 21-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- Claim 18 recites the limitation "the vertical angle" and "the horizontal angle" in lines 12-13. There is insufficient antecedent basis for this limitation in the claim. The applicant has not clearly described how "the vertical angle" and "the horizontal angle" being defined. Note that, an (geometric) angle is defined by two straight lines, or two planes, or a straight line and a plane. In this particular case, is "the vertical angle of beam spread  $\phi$  of the headlight" relative to the optical axis of the headlight, or relative to the road surface, or defined by the farthest-top-light-beam and the farthest-bottom-light - beam?

Claims 21-38 are necessary included because of their dependency.

***Allowable Subject Matter***

8. Claims 18 and 21-38 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
9. The following is a statement of reasons for the indication of allowable subject matter:

Claim 18 recites a vehicle headlight having multiple LEDs provided on a carrier and organized into a group arrangement, wherein the group arrangement has an asymmetric design arrived at by starting with an overall symmetric design and providing therein at least one area with non-functional or missing LEDs, wherein a vertical angle of beam spread  $\phi$  of the headlight is less than  $5^\circ$  (relative to the central optical axis of the headlight??) and a horizontal angle of beam spread  $\phi$  of the vehicle headlight lies in the range of less than  $20^\circ$  (relative to the central optical axis of the headlight??). The limitations discussed above are neither disclosed nor suggested by the prior art of record.

Claims 21-38 are dependent on claim 18.

Demas [US 4,363,085] and Brun [US 4,369,488] disclose a headlight having a vertical angle light beam relative to its optical axis.

Dranginis [US 4,480,291] discloses a headlight having a vertical angle light beam relative to horizontal reference (road surface) being 2-3 degree.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BAO Q. TRUONG whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bao Q. Truong/  
Primary Examiner, Art Unit 2875

/Sandra L. O'Shea/  
Supervisory Patent Examiner, Art Unit 2875